

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>ERIC O'BRIEN JOHNSON,</b>	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>No. 5:14-CV-141 (CAR)</b>
	:	<b>Proceedings Under 42 U.S.C. § 1983</b>
<b>Deputy Warden GEORGE IVEY, et al.,</b>	:	
<b>Defendants.</b>	:	
	:	

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**ORDER ON UNITED STATES MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

Before the Court is the United States Magistrate Judge's Report and Recommendation to deny Plaintiff's Motion for Protective Order and grant Defendants' Motion for Summary Judgment because Defendants are entitled to qualified immunity. Plaintiff has filed an Objection to the Recommendation to grant the Defendants' Motion for Summary Judgment. This Court has fully considered the record in this case, has investigated *de novo* those portions of the Report and Recommendation to which Plaintiff objects, and agrees with the findings and conclusions in the Report and Recommendation. Accordingly, Plaintiff's Motion for Protective Order [Doc. 39] is DENIED; Defendants' Motion for Summary Judgment [Doc. 42] is GRANTED; and the Report and Recommendation [Doc. 49] is ADOPTED AND MADE THE ORDER OF THIS COURT.

In this action pursuant to 42 U.S.C. § 1983, Plaintiff asserts Defendants violated

his Eighth Amendment rights by using excessive force when they wrestled Plaintiff to the ground and struck him in the head with hair clippers while administering a haircut. The Report and Recommendation concludes Defendants justifiably used force because Plaintiff repeatedly refused to follow orders during the haircut. This Court agrees. In his Objection, Plaintiff restates arguments that have been thoroughly addressed in the Report and Recommendation, and the Court need not restate those findings here. Plaintiff also argues the Magistrate Judge failed to view the facts in the light most favorable to Plaintiff. The Court disagrees. As required by the United States Supreme Court, the Magistrate Judge properly views the facts in the light depicted by the video evidence.<sup>1</sup> Thus, Plaintiff's objections are overruled.

For the reasons set forth above, the Report and Recommendation [Doc. 49] is **HEREBY ADOPTED AND MADE THE ORDER OF THIS COURT**, and Defendants' Motion for Summary Judgment [Doc. 42] is **GRANTED**, and Plaintiff's Motion for Protective Order [Doc. 39] is **DENIED**.

**SO ORDERED**, this 26th day of August, 2016.

S/ C. Ashley Royal  
C. ASHLEY ROYAL  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> *Scott v. Harris*, 550 U.S. 372, 381 (2007).